

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

<p>RICHARD PRATT and LARRY JONES, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>KSE SPORTSMAN MEDIA, INC. D/B/A OUTDOOR SPORTSMAN GROUP,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 21-cv-11404-TLL-PTM Honorable Thomas L. Ludington</p>
---	---

**PLAINTIFFS' MOTION TO FILE PORTIONS OF THEIR
MOTION TO COMPEL AND CERTAIN EXHIBITS
ATTACHED THERETO UNDER SEAL**

Plaintiffs submit this Motion to Seal in connection with the contemporaneous filing of Plaintiffs' Motion to Compel. Plaintiffs plan to attach and discuss certain documents produced (and marked "Confidential") by Defendant in discovery (the "Confidential Documents,"¹ attached hereto as Exhibits A, B, C). Plaintiffs oppose the permanent sealing of the Confidential Documents, but file this motion to seal to temporarily file them under seal to comply with E.D. Mich. Local Rule 5.3(b) and Paragraph 8 of the Protective Order (ECF No. 37).

The Sixth Circuit in *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 305 (6th Cir. 2016) and this District in *In re FCA US LLC Monostable Electronic Gearshift Litig.*, 377 F. Supp. 3d 779 (E.D. Mich. 2019), have explained that there is a "strong presumption in favor of openness as to court records" and that "the burden of overcoming that presumption is a heavy one." *Shane*, 825 F.3d at 305. As a result, and after reviewing the Confidential Documents, Plaintiffs do not believe the documents satisfy the requirements for sealing in this District. However, as stated above, Plaintiffs have filed this Motion to comply with the Local Rules and the Protective Order, and to allow Defendant to set forth its basis for permanently sealing the Confidential Documents. As a result, Plaintiffs request that the Confidential Documents remain under seal for at least 14 days from the date of this

¹ PRATT_KSE_000293-000294; PRATT_KSE_000295-000303; PRATT_KSE_000276-000285.

Motion until Defendant has responded to the Motion.

Per Local Rule 7.1(d), on August 5, 2022, counsel for Plaintiffs certifies that it contacted Defendant's counsel regarding the sealing of the documents at issue and any discussions regarding those documents. Due to Defendant's desire to keep those documents under seal, and in compliance with the Protective Order and the Local Rules, Plaintiffs file this motion.

Dated: August 5, 2022

Respectfully submitted,

/s/ E. Powell Miller

E. Powell Miller (P39487)
Sharon S. Almonrode (P33938)
THE MILLER LAW FIRM, P.C.
950 W. University Drive, Suite 300
Rochester, MI 48307
Tel: 248-841-2200
epm@millerlawpc.com
ssa@millerlawpc.com

Joseph I. Marchese (P85862)
Philip L. Fraietta (P85228)
BURSOR & FISHER, P.A.
888 Seventh Avenue
New York, New York 10019
Tel: 646.837.7150
jmarshese@bursor.com
pfraietta@bursor.com

Frank S. Hedin
David W. Hall
HEDIN HALL LLP
1395 Brickell Avenue, Suite 1140
Miami, Florida 33131
Tel: 305.357.2107
fhedin@hedinhall.com
dhall@hedinhall.com

Counsel for Plaintiffs and the Putative Class

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

<p>RICHARD PRATT and LARRY JONES, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>KSE SPORTSMAN MEDIA, INC. D/B/A OUTDOOR SPORTSMAN GROUP,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 21-cv-11404-TLL-PTM Honorable Thomas L. Ludington</p>
---	---

**BRIEF IN SUPPORT OF PLAINTIFFS' MOTION TO FILE PORTIONS
OF THEIR MOTION TO COMPEL AND CERTAIN EXHIBITS
ATTACHED THERETO UNDER SEAL**

STATEMENT OF ISSUE PRESENTED

Whether Plaintiffs may file their Motion to Compel and attached Confidential Documents under seal pending a ruling by the Court on the Confidential Documents' continued sealing?

Plaintiffs answer: Yes.

CONTROLLING OR MOST APPROPRIATE AUTHORITIES

- E.D. Mich. LCivR 5.3

For the reasons explained in the above Motion, Plaintiffs respectfully seek to file their Motion to Compel and attached Confidential Documents under seal.

Dated: August 5, 2022

Respectfully submitted,

/s/ E. Powell Miller

E. Powell Miller (P39487)
Sharon S. Almonrode (P33938)
THE MILLER LAW FIRM, P.C.
950 W. University Drive, Suite 300
Rochester, MI 48307
Tel: 248-841-2200
epm@millerlawpc.com
ssa@millerlawpc.com

Joseph I. Marchese (P85862)
Philip L. Fraietta (P85228)
BURSOR & FISHER, P.A.
888 Seventh Avenue
New York, New York 10019
Tel: 646.837.7150
Fax: 212.989.9163
jmarchese@bursor.com
pfraietta@bursor.com

Frank S. Hedin
David W. Hall
HEDIN HALL LLP
1395 Brickell Avenue, Suite 1140
Miami, Florida 33131
Tel: 305.357.2107
Fax: 305.200.8801
fhedin@hedinhall.com
dhall@hedinhall.com

Counsel for Plaintiffs and the Putative Class

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2022, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

/s/ E. Powell Miller

E. Powell Miller (P39487)

THE MILLER LAW FIRM, P.C.

950 W. University Dr., Ste. 300

Rochester, MI 48307

Tel: (248) 841-2200

epm@millerlawpc.com